

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Kelkris Associates, Inc.,

NO. C 07-04421 JW

Plaintiff,

v.

**ORDER DENYING DEFENDANT
JONES'S MOTIONS; REMANDING TO
THE SUPERIOR COURT OF THE
STATE OF CALIFORNIA**

Alberta Rose Jones, et al.,

Defendants.

This case was removed by Defendant Alberta Rose Jones ("Jones") from the Superior Court of the State of California. Before the Court is Jones' motions to relate cases and to stay proceedings in the Superior Court of the State of California and the United States District Court. Plaintiff Kelkris Associates, Inc., the Honorable William C. Harrison, California Attorney General Edmund G. Brown, and others have filed motions to remand this case back to the Superior Court of the State of California. (See Docket Item Nos. 19-21; 22-35.) These motions were originally noticed for a hearing on October 29, 2007; however, the Clerk reset the hearing to December 3, 2007 due to the Court's unavailability.

Jones moves to relate the above entitled action to C 04-02951 JW, C 04-02779 JW, and C 04-04811 JW. Civil Local Rule 3-12(a) provides, "An action is related to another when: (1) The actions concern substantially the same parties, property, transaction or event; and (2) It appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different Judges." The actions cited by Jones do not

1 concern substantially the same parties, property, transactions, or events. Thus, the Court finds it
2 improper to relate this action to the cases cited by Jones.

3 With respect to Jones's motion to stay, she supports her motion with allegations that she will
4 be prejudiced if the stay is not granted. She further contends that she is filing a complaint against
5 the assigned district court judge. Reading Jones's motion in the light most favorable to her, the
6 Court finds no reason supported by law to stay this case.

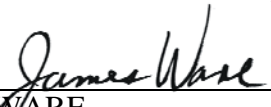
7 With respect to the motions to remand, the motions are made, in part, on the basis that the
8 Court does not have subject matter jurisdiction. Under 28 U.S.C. § 1446(c)(4), a "United States
9 district court in which [a removal] notice is filed shall examine the notice promptly," and "[i]f it
10 clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be
11 permitted, the court shall make an order for summary remand."

12 This removal stems from a debt collection case alleging that Jones owed Plaintiff \$3000 plus
13 interest for breach of contract. (Notice of Removal at 23-24, Docket Item No. 1.) The Court finds
14 that Plaintiff did not allege a cause of action under federal law in the state court complaint, that
15 Jones and Plaintiff are non-diverse, and that the amount in controversy in the state court complaint
16 was less than \$75,000.

17 Accordingly, the Court DENIES Jones's motions and REMANDS this case back to the
18 Superior Court of the State of California. The hearing on the motions to remand presently scheduled
19 for December 3, 2007 is VACATED.

20 The Clerk shall close this file.

21
22 Dated: September 21, 2007



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Ronald Hubert Sargis rsargis@hsmlaw.com
3 Thomas A. Blake tom.blake@doj.ca.gov
4 Troy Bentley Overton troy.overton@doj.ca.gov

5 Alberta Rose Jones
6 1144 Tangerine Way
7 Sunnyvale, CA 94087
8 408-449-3041

9 **Dated: September 21, 2007**

Richard W. Wieking, Clerk

10 **By: /s/ JW Chambers**
11 **Elizabeth Garcia**
12 **Courtroom Deputy**